

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

UNITED STATES OF AMERICA,
Plaintiff(s)

v.

RAYMOND HERNANDEZ-ALBINO,
Defendant(s)

CIVIL NO. 97-099 (JAG)

ORDER

GARCIA-GREGORY, D.J.

Before the Court is defendant's Raymond Hernandez-Albino ("defendant") Motion for Reconsideration of our Memorandum and Order Adopting Report and Recommendation issued on April 3, 2008 (Docket No. 199), as well as a Motion for Leave to Amend the Motion for Reconsideration (Docket No. 201).

After reviewing *de novo* the portions of the Magistrate Judge's Report and Recommendation to which the defendant expressed objection, the Court adopted the same and denied defendant's motions for relief from judgment, briefly clarifying its ruling. (Docket No. 195). The court construed the Rule 60(b) motion as a successive habeas petition and stated that defendant had failed to comply with the applicable procedure to file such a petition. This ruling was dispositive of defendant's motions notwithstanding the subsequent clarifications made by the Court.

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Accordingly, although the Court mentioned defendant's failure to indicate what part of the cooperator's testimony was false, to state that the Government knew about the false testimony and to show how the alleged false testimony affected the verdict, this lack of information was not the reason the Court denied defendant's motions.

Accordingly, the court **DENIES** defendant's motions.

IT IS SO ORDERED.

In San Juan, Puerto Rico, this 19th day of June, 2008.

S/ Jay A. Garcia-Gregory
JAY A. GARCIA-GREGORY
United States District Judge